

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America)

v.)

JUAN HERNANDEZ,)

Case No.)

4-15-71545)

Defendant(s)

FILED
 DEC - 3 2015
 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 11, 2015 in the county of Alameda in the
Northern District of California, the defendant(s) violated:

Code Section
 8 U.S.C. § 1326

Offense Description
 Illegal re-entry to the United States

Max Penalties:

- Imprisonment: Maximum 20 years
- Supervised release: Maximum 3-year Term
- Fine: \$250,000
- Special assessment: \$100 mandatory

This criminal complaint is based on these facts:

See attached AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT of Neemo I. Hagedorn, Deportation Officer for the United States Department of Homeland Security, Immigration and Customs Enforcement (DHS-ICE).

☒ Continued on the attached sheet.

APPROVED AS TO FORM



SAUSA KELSEY C. LINNET



Complainant's signature

Neemo I. Hagedorn, Deportation Officer, DHS-ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/3/15


Judge's signature

City and state: Oakland, California

Honorable Magistrate Judge Donna M. Ryu

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Neemo I. Hagedorn, Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), being duly sworn, hereby declare as follows:

INTRODUCTION

1. I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been so employed in this capacity since August 17, 2003. I am currently assigned to the Violent Criminal Alien Section (VCAS) of the San Francisco District Office. I am a law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7). I was trained as a Deportation Officer at the Federal Law Enforcement Training Center in Glynco, Georgia.

2. As a Deportation Officer, I have conducted law enforcement duties to investigate, identify, locate, arrest, detain, prosecute, and remove foreign nationals who pose a threat to national security and public safety. I have conducted complex investigations, executed arrests, prepared cases for removal proceedings, prosecution, and managed detention and removal of foreign nationals ordered removed from the United States by working with foreign, federal, state, and local law enforcement agencies.

PURPOSE OF THE AFFIDAVIT

3. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging Juan HERNANDEZ (AKA: Juan Manuel HERNANDEZ) with unlawfully re-entering the United States after deportation, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of 8 U.S.C. § 1326.

4. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that, on or after September 17, 2014, HERNANDEZ unlawfully re-entered the United States after deportation, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of 8 U.S.C. § 1326. The statements contained in this affidavit are based on information provided to me by law enforcement officers as well as my training, experience, and knowledge of this investigation.

STATEMENT OF PROBABLE CAUSE

5. HERNANDEZ is a 25-year-old male who has used one (1) alias and two (2) dates of birth in the past.

6. HERNANDEZ is a native of Mexico and a citizen of Mexico since birth.

7. HERNANDEZ has been assigned the following identification numbers: Alien Registration number of A205 970 529, FBI number of 306187DD2, California Criminal Information Index number of CA30049683, and a Fingerprint Identification Number of 1173204499.

8. On April 4, 2011, HERNANDEZ was convicted in the Superior Court of California, in and for the County of Alameda, for the offense of ASSAULT WITH A DEADLY WEAPON AND GREAT BODILY INJURY, a felony, in violation of Section 245(a)(1) and 12022.7(a) of the California Penal Code, and was sentenced to five (5) years confinement.

9. HERNANDEZ has suffered other convictions not enumerated in this affidavit.

10. HERNANDEZ was arrested and deported on one (1) occasion from the United States:

DATE

September 17, 2014

PLACE OF DEPORTATION

San Ysidro, California

11. HERNANDEZ last entered the United States at or near an unknown place on or after September 17, 2014, by crossing the international border without inspection subsequent to deportation.

12. On July 11, 2015, HERNANDEZ's fingerprints were taken as part of the standard booking procedures. The fingerprints were electronically submitted to CAL DOJ, NCIC/NGI and DHS/ICE databases. Upon review of database information, it was determined that the fingerprints matched and were associated with HERNANDEZS's alien file, number A205 970 529.

13. HERNANDEZ, on or about July 11, 2015, in Alameda County in the Northern District of California, was found by ICE Priority Enforcement Program (PEP) upon confirmation of information and fingerprint match to be unlawfully present in the United States, after prior arrest and deportation, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of 8 U.S.C. § 1326.

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CONCLUSION

14. For the reasons stated above, I believe there is probable cause to believe that, on or after September 17, 2014, HERNANDEZ unlawfully re-entered the United States after deportation, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of 8 U.S.C. § 1326. I respectfully request that the Court issue the requested criminal complaint and arrest warrant.



NEEMOE I. HAGEDORN
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
3rd day of December 2015.



HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE